

1 P R O C E E D I N G S

2 (DIGITAL RECORDING BEGINS)

3 THE COURT: --and, second, that you are entering
4 into this plea knowingly and voluntarily. Do you understand?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: At the conclusion of this hearing, I
7 will make a report and recommendation to the district judge,
8 and the district judge will be the one who will actually be
9 doing your sentencing. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Okay. And my recommendation to him
12 will be on whether or not he should accept the plea that you
13 intend to offer here today. My recommendation in large part
14 will be based upon your responses to my questions, my
15 observations of you today in court, the opinions of both
16 counsel: your counsel, Mr. Blizzard, and Mr. Lorfing. Do you
17 understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Okay. And again, the district judge
20 will ultimately decide, after reviewing today's proceedings and
21 my recommendation, whether to accept your plea, and if he does,
22 he will conduct a separate hearing at a later date to determine
23 your sentence. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. As I said, I need to ask you

1 some questions under oath to assure myself that you are both
2 competent and entering into this plea knowingly and
3 voluntarily, so I'll ask that you be placed under oath at this
4 time.

5 (THE DEFENDANT IS SWORN BY THE COURTROOM DEPUTY)

6 THE COURT: Mr. Regan, do you understand that you
7 are now under oath--

8 THE DEFENDANT: Yes, sir.

9 THE COURT: --and if you answer any of my questions
10 falsely, your answers may later be used in a prosecution
11 against you for those false answers?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay. Also, if you answer any of my
14 questions falsely, your plea may also be invalid. Do you
15 understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. As a result, it's critically
18 important that you understand each of my questions. If you do
19 not understand one of my questions, I ask that you either
20 consult with your counsel or ask me. Otherwise, again, if you
21 don't understand a question, your plea will not be valid.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Mr. Regan, you have the right to enter
24 your guilty plea before a United States district judge. Do you
25 understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: For me to conduct the plea proceedings
3 here today, you must consent to entering your plea before a
4 United States magistrate judge. And I have before me a written
5 consent signed by you. I'm holding that up, if you can see
6 that.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Does that bear your signature?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Did you have an opportunity to discuss
11 this consent with Mr. Blizzard before signing it?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And did you read this thoroughly?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. And do you, in fact, consent to
16 me conducting this proceeding?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. Mr. Lorfing, does the government
19 consent to me conducting this proceeding?

20 MR. LORFING: Yes, Your Honor.

21 THE COURT: I find that both parties have knowingly
22 and voluntarily consented to the United States magistrate judge
23 conducting these proceedings, and the consent form will be
24 entered on the record.

25 Mr. Regan, please state your full name for the

1 record.

2 THE DEFENDANT: Christopher James Regan.

3 THE COURT: And where were you born?

4 THE DEFENDANT: Mesquite, Texas.

5 THE COURT: And how old are you now, Mr. Regan?

6 THE DEFENDANT: Thirty-seven.

7 THE COURT: And how far did you go in school?

8 THE DEFENDANT: GED.

9 THE COURT: Have you been treated recently for any
10 mental illness?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. And does the treatment you're
13 receiving or the mental illness that you're being treated for
14 affect your ability to understand what we're doing here today?

15 THE DEFENDANT: No, sir.

16 THE COURT: Does it affect your ability to fully
17 engage in this process knowingly and voluntarily?

18 THE DEFENDANT: No, sir.

19 THE COURT: Have you been treated recently for any
20 addiction to alcohol or narcotic drugs?

21 THE DEFENDANT: No, sir.

22 THE COURT: Are you now or have you ever been under
23 the care of a physician or psychiatrist?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And same question as before. Does that

1 care or that condition for which you're being treated in any
2 way affect your ability to either understand the proceedings
3 today or to make decisions knowingly and voluntarily?

4 THE DEFENDANT: No, sir.

5 THE COURT: Are you currently under the influence
6 of any drug, medication, or alcoholic beverage of any kind?

7 THE DEFENDANT: No, sir.

8 THE COURT: Are you mentally impaired in any way
9 today?

10 THE DEFENDANT: No, sir.

11 THE COURT: Are you of sound mind and understand
12 what is happening today and why we're here?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Mr. Lorfing, do you have any doubt as
15 to Mr. Regan's competence to plead at this time?

16 MR. LORFING: No, Your Honor.

17 THE COURT: And, Mr. Blizzard, do you have any
18 doubt as to Mr. Regan's competence to plead at this time?

19 MR. BLIZZARD: No, Your Honor.

20 THE COURT: Based upon the defendant's responses to
21 my questions, my own personal observations of him here in the
22 courtroom today, and counsel's representations, the Court finds
23 that the defendant is competent to understand these proceedings
24 and to enter a knowing and voluntary plea.

25 Mr. Regan, I'm going to discuss some rights that

1 you have. First, I'm going to talk about your right to a
2 trial. Do you understand, Mr. Regan, that under the
3 Constitution and laws of the United States, that you do, in
4 fact, have a right to a public and speedy jury trial?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And no one--not myself, not your
7 lawyer, not Mr. Lorfing or the government or the agents or
8 anyone else--can deny you that constitutional right. Do you
9 understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And at that trial, if you choose to
12 have a trial, you would have the assistance of counsel at all
13 stages of that trial, both in court and out of court. Do you
14 understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And you and your attorney, if you chose
17 to go to trial, could participate in the selection of the jury
18 that would ultimately decide your guilt or innocence. Do you
19 understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And at that trial, of course, you would
22 be presumed innocent, and the government would have the burden
23 of proof to prove your guilt beyond a reasonable doubt to each
24 and every juror on that jury. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: During that trial, if you so chose to
2 have a trial, the government's witnesses would have to come
3 before the Court, before you, and you and/or your attorney
4 would have the opportunity to cross-examine those witnesses,
5 object to any evidence offered by the government, and otherwise
6 challenge the government's case against you. Do you understand
7 that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you understand, if you so chose, you
10 could present evidence in your own behalf at such a trial?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And you would have the power of the
13 Court to compel witnesses to testify on your behalf and to
14 otherwise produce evidence.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: You would also have the right to
17 testify in your defense, but, of course, importantly, you would
18 have the right to not testify if you so choose. Do you
19 understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And if you chose not to testify, no
22 inference or suggestion of guilt could be taken from that. Do
23 you understand?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. If you were found guilty at such

1 a trial, Mr. Regan, do you understand that you would have the
2 right to appeal your conviction and your sentence?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. Mr. Regan, these are very
5 important rights guaranteed you, as I said, by our Constitution
6 and the laws of the United States. If you plead guilty today
7 and the Court accepts your plea, do you understand that you
8 will be giving up your right to a trial as I just described?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: There will be no trial, and you will be
11 adjudged guilty of the offense charged. Do you understand
12 that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Also, I think as I just mentioned, and
15 I think as you were previously advised during your initial
16 appearance in this matter, you have the right to remain silent
17 and make no statements whatsoever against yourself. Do you
18 understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: However, if you plead guilty, you will
21 have to waive that right to silence, since I will need to
22 satisfy myself, through my questions of you, whether or not you
23 are, in fact, guilty. Do you understand?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. And you understand you will have

1 to acknowledge your guilt in open court here today?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. Having discussed these rights
4 with you, Mr. Regan, do you still wish to plead guilty today?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Let's talk about the charges and the
7 penalties, Mr. Regan. Have you had an opportunity to discuss
8 your case and your decision to plead guilty with Mr. Blizzard?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And are you fully satisfied with his
11 representation and his advice?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: In particular, are you satisfied with
14 his advice and representation with regard to this plea you're
15 about to enter?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Turning now to the superseding
18 indictment, Mr. Regan, do you have a copy of the superseding
19 indictment in front of you?

20 MR. BLIZZARD: We don't, Your Honor. We just have
21 the plea agreement here with us today. I can put it in front
22 of him if I could borrow Mr. Lorfing's.

23 THE COURT: Mr. Regan, have you seen the
24 superseding indictment?

25 THE DEFENDANT: Yes, sir. Yes, sir.

1 THE COURT: Let's go ahead and get a copy out, if
2 that's--

3 MR. BLIZZARD: Yes, sir.

4 (PAUSE)

5 THE COURT: Mr. Regan, have you previously read the
6 superseding indictment?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And have you discussed that indictment
9 with Mr. Blizzard?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And do you understand the nature of the
12 charges against you?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Would you like to have Mr. Lorfing read
15 the charges aloud, or do you waive the reading of the
16 indictment?

17 THE DEFENDANT: Waive the reading of the
18 indictment, sir.

19 THE COURT: Thank you. I will, however, ask
20 Mr. Lorfing to read the essential elements of the offenses to
21 which you intend to plead guilty. Now, these are the elements
22 that the government, if you chose a trial, would have to prove
23 beyond a reasonable doubt.

24 Mr. Lorfing.

25 MR. LORFING: Yes, Your Honor. With regards to his

1 plea to Count 1 of the superseding indictment, the government
2 must prove two elements:

3 First, that the defendant and at least one other
4 person made an agreement to commit the crime of producing child
5 pornography; and

6 Second, that the defendant knew of the unlawful
7 purpose of the agreement and joined in it willfully, that is,
8 with the intent to further the unlawful purpose.

9 With regards to his plea to Counts 2 and 3 of the
10 superseding indictment, Your Honor, both those counts are the
11 same crime, and the elements are as follows:

12 First, that the defendant employed, used,
13 persuaded, induced, enticed, or coerced a minor to engage in
14 sexually explicit conduct;

15 Second, that the defendant acted with the purpose
16 of producing a visual depiction or transmitting a live visual
17 depiction of such conduct; and

18 Third, that the visual depiction was produced or
19 transmitted using materials that had been mailed, shipped, or
20 transported in or affecting interstate or foreign commerce by
21 any means, including by computer, or that the visual depiction
22 was actually transported or transmitted using any means or
23 facility of interstate or foreign commerce or in or affecting
24 interstate or foreign commerce or mailed.

25 THE COURT: Thank you, Mr. Lorfing.

1 Mr. Regan, these essential elements just read by
2 Mr. Lorfing are also contained in the factual resumé which I
3 have before me and which also purports to bear your signature
4 on page 16. Do you remember reading and signing that factual
5 resumé?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And does that appear to be your
8 signature I'm holding up?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And before signing this factual resumé,
11 did you have it--you read it and you discussed it with your
12 attorney?

13 THE DEFENDANT: Yes.

14 THE COURT: Did you understand everything that was
15 contained in the factual resumé, including those essential
16 elements?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And are each of the facts set out in
19 the factual resumé true and correct?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Mr. Blizzard, do you agree that the
22 essential elements of the offenses charged to which the
23 defendant intends to plead guilty are accurately read?

24 MR. BLIZZARD: Yes, sir.

25 THE COURT: Okay. Mr. Regan, do you admit today

1 that you committed each of the essential elements of the
2 offense to which you are pleading guilty?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: I will now ask Mr. Lorfing to state the
5 potential penalties provided by law for the charged offenses.

6 MR. LORFING: Yes, Your Honor. The minimum and
7 maximum penalties the Court can impose include:

8 Imprisonment for a period of not less than
9 15 years, and not to exceed 90 years;

10 A fine not to exceed \$750,000, or twice any
11 pecuniary gain to the defendant or loss to the victim;

12 Three terms of supervised release of not less than
13 five years, nor more than life, which is mandatory under the
14 law and will follow any term of imprisonment. If the defendant
15 were to violate the conditions of supervised release, the
16 defendant could be imprisoned for the entire term of supervised
17 release;

18 A mandatory special assessment of \$300, and
19 pursuant to 18, U.S.C., 3014, an additional amount of \$15,000
20 if the Court finds the defendant is not indigent;

21 Restitution to victims or to the community, which
22 is mandatory under the law and which the defendant agrees may
23 include restitution arising from all relevant conduct, not
24 limited to that arising from the offense of conviction alone.
25 This includes but is not limited to all relevant conduct

1 stemming from the offense of conviction, as well as dismissed
2 counts;

3 Costs of incarceration and supervision; and
4 Forfeiture of property.

5 THE COURT: Thank you, Mr. Lorfing.

6 Mr. Blizzard, do you agree those are the potential
7 penalties for the charges?

8 MR. BLIZZARD: Yes, Your Honor.

9 THE COURT: Mr. Regan, do you understand the
10 potential penalties for the charges?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that if you plead
13 guilty, you're subject to those penalties just explained to you
14 by Mr. Lorfing?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And do you also understand-- I believe
17 the indictment contains a forfeiture count. Do you understand
18 that if you enter a plea of guilty here today and the judge
19 accepts that plea, that you will also be consenting to the
20 forfeiture of the property listed in the indictment?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Mr. Regan, do you understand that the
23 offense to which you are pleading today is a felony offense and
24 that if your plea is accepted, you will be adjudged guilty of
25 that offense. And that adjudication will deprive you of

1 certain valuable civil rights, such as the right to vote, the
2 right to hold public office, the right to serve on a jury, and
3 the right to possess a firearm of any kind. Do you understand
4 that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Lorfing went over the restitution.
7 Do you understand that the Court may also order and may be
8 required to order, under the Mandatory Victims Restitution Act,
9 that you make your restitution to any victim of the offense?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand that the offense to
12 which you wish to plead guilty to today is classified as a sex
13 offense?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that a conviction for
16 the offense will likely result in substantial future
17 restrictions on where you may live or work and with whom you
18 may associate?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand that a conviction for
21 the offense to which you seek to plead guilty today will
22 subject you to registration as a sex offender and to residency
23 restrictions under state and federal law should you reside in
24 the United States after this sentence?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And do you further understand that you
2 may be subject to the registration requirements and residency
3 requirement restrictions for the remainder of your life?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand that as a part of any
6 supervised release at a later date, and those conditions that
7 might apply to that, you may be required to participate in sex
8 offender treatment, including any testing that might be
9 ordered?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And finally, do you understand, as a
12 part of any later supervised release conditions, you may have
13 restrictions on your internet usage and the installation of
14 monitoring and filtering software on any computer that you may
15 be allowed to use?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Mr. Blizzard, were all formal plea
18 offers by the government conveyed to Mr. Regan?

19 MR. BLIZZARD: Yes, sir.

20 THE COURT: Mr. Regan, I have a document that's
21 entitled Plea Agreement, and on-- This is a nine-page
22 document. And you have that in front of you. Correct?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And on page 8 of that document, it
25 again purports to bear your signature. Is that your signature?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: If you can't see this, I'm glad to hand
3 it down.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. That is your signature?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And on page 9 of that plea agreement,
8 there is a paragraph regarding the Sex Offender Registration
9 and Notification Act, and is that your signature on that as
10 well?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. Did you read this plea agreement
13 before signing it?

14 THE DEFENDANT: Thoroughly, yes, sir.

15 THE COURT: Okay. Did you discuss it with
16 Mr. Blizzard?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Did you understand everything stated in
19 the agreement before signing it?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are all the terms of your agreement
22 with the government set out in this plea agreement and any
23 supplement it may--

24 THE DEFENDANT: Yes, sir.

25 THE COURT: I'm now going to go over some of the

1 specific provisions of the plea agreement just to ensure that
2 you understand what they are. Again, I know you have gone over
3 with your lawyer.

4 You are pleading guilty to Counts 1, 2, and 3; is
5 that correct?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Importantly, on page 3 of your plea
8 agreement, paragraph 5, do you understand that the sentence in
9 this case will be imposed by the district judge after
10 consideration of what's called the United States Sentencing
11 Guidelines. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you also understand that those
14 guidelines are merely advisory; they are not mandatory?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And no one--certainly no one in this
17 courtroom--can accurately predict with any certainty what your
18 ultimate sentence may be. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay. And do you also understand that
21 you will not be allowed to withdraw your plea if your sentence
22 is higher than expected?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And the actual sentence imposed by the
25 district judge in this case is solely within his discretion.

1 Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: On page 4, paragraph 8 of the plea
4 agreement, there's a paragraph on forfeiture of property. I
5 think we've covered that. But again, you agree not to contest,
6 challenge, or appeal in any way the forfeiture of the property
7 identified in the plea agreement; is that correct?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: I want to direct your attention now to
10 page 6, paragraph 12, Conditional Plea. The parties have
11 agreed to a conditional plea where you specifically reserve the
12 right to have an appellate court review the denial of the
13 listed motions to suppress evidence; is that correct?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And, Mr. Lorfing, I have to ask
16 specifically, did the United States consent to this particular
17 paragraph?

18 MR. LORFING: Yes, Your Honor.

19 THE COURT: I'll ask both attorneys to assure me
20 that you have some idea of determining what the word "prevail"
21 means on appeal, as listed at the top of page 7. "If Defendant
22 prevails on appeal, then he may withdraw his guilty plea."

23 MR. LORFING: Your Honor, my understanding of that
24 term is that if an appellate court reviews these motions and
25 determines that the material evidence should not be suppressed,

1 that that would constitute prevailing.

2 THE COURT: And that's true for all the motions
3 listed?

4 MR. LORFING: Yes, Your Honor.

5 MR. BLIZZARD: That's my understanding as well,
6 Your Honor.

7 THE COURT: Mr. Lorfing, are there any other
8 provisions of the plea agreement you believe I should address
9 specifically which I have not?

10 MR. LORFING: No, Your Honor.

11 THE COURT: And Mr. Blizzard, are there any other
12 provisions of the plea agreement you believe I should address
13 specifically which I have not?

14 MR. BLIZZARD: No, sir.

15 THE COURT: Okay. Mr. Regan, are there any
16 provisions in this plea agreement that you do not understand,
17 whether I have covered them or not?

18 THE DEFENDANT: No, sir.

19 THE COURT: Counsel, I didn't notice any binding
20 terms in this plea agreement. I assume there are none.

21 MR. LORFING: Your Honor, when you say "binding"--

22 THE COURT: Like an 11(c)(1)?

23 MR. LORFING: I apologize. Yes, Your Honor. There
24 are no terms like that, or language.

25 THE COURT: Okay. Mr. Regan, do you understand,

1 again, that the federal court--that in federal court, the
2 district judge and only the district judge determines the
3 sentence?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And the district judge will not be
6 bound by this agreement that you have with the government,
7 because that's merely a contract between you and the
8 government. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And that these terms in the plea
11 agreement are merely recommendations to the district judge. Do
12 you understand?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you also understand that after your
15 initial advisory guideline has been determined, that the
16 district court has the authority to either increase that
17 guideline range or decrease that guideline range based on
18 certain statutory factors?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And have you talked to Mr. Blizzard
21 about how those advisory sentencing guidelines and how those
22 additional statutory factors may affect your case?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And do you also understand that the
25 district court will not be able to determine your advisory

1 guideline range until after the presentence report has been
2 completed and both you and the government have had an
3 opportunity to challenge the reported facts and application of
4 the guidelines--

5 THE DEFENDANT: Yes, sir.

6 THE COURT: --in your particular case?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. And finally, do you understand
9 that, in the federal system, parole has been abolished; there
10 is no parole?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: So you will not be released on parole.
13 Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Mr. Lorfing, are there any other
16 advisements that have not been given Mr. Regan that you believe
17 should be given before he pleads guilty?

18 MR. LORFING: Your Honor--and the Court may have
19 covered this--just to confirm that the defendant has reviewed
20 the factual resumé, and everything contained in that factual
21 resumé is accurate and true.

22 THE COURT: Yes, I--

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You have reviewed the factual resumé.
25 Correct?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: You have gone over it with your lawyer.
3 Correct?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All statements contained therein are
6 true. Correct?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Blizzard, are there any other
9 advisements that I have not given Mr. Regan that you believe I
10 should give before he pleads guilty?

11 MR. BLIZZARD: No, Your Honor.

12 THE COURT: I find the plea agreement is in proper
13 form and direct that it be filed of record in this case.

14 Mr. Regan, a plea of guilty must be purely
15 voluntarily--voluntary, rather. Has anyone made any promise or
16 assurance to you that is not in the plea agreement between you
17 and the United States Government?

18 THE DEFENDANT: No, sir.

19 THE COURT: And that includes any plea agreement
20 supplement that may exist.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Has anyone threatened you in any way or
23 otherwise attempted to force you to plead guilty in this case?

24 THE DEFENDANT: No, sir.

25 THE COURT: Are you pleading guilty because you

1 are, in fact, guilty and for no other reason?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And are you doing this of your own free
4 will?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Regan, how do you now plead to
7 Count 1 of the superseding indictment?

8 THE DEFENDANT: Guilty.

9 THE COURT: Mr. Regan, how do you now plead to
10 Count 2 of the superseding indictment?

11 THE DEFENDANT: Guilty.

12 THE COURT: Mr. Regan, how do you now plead to
13 Count 3 of the superseding indictment?

14 THE DEFENDANT: Guilty.

15 THE COURT: Mr. Regan, do you consent to the
16 forfeiture of the property set forth in the notice of
17 forfeiture?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Being satisfied with the responses
20 given during this hearing, the Court makes the following
21 findings:

22 Mr. Regan is fully competent and capable of
23 entering an informed plea. His plea of guilty to Counts 1, 2,
24 and 3 of the indictment--the superseding indictment are a
25 knowing and voluntary plea supported by an independent basis in

1 fact that satisfies each of the essential elements of the
2 offense charged.

3 I hereby find that there is indeed a factual basis
4 for the plea of guilty. And since you have acknowledged that
5 you are, in fact, guilty as charged in Counts 1, 2, and 3, I am
6 signing a report and recommendation that the district court
7 accept your plea. And you and your attorney will have 14 days
8 to file any objections to my recommendation. Failure to object
9 may constitute a waiver of any rights there.

10 Mr. Regan, the district judge will order what's
11 called a presentence investigation report prepared by the
12 probation office. It's in your best interest to cooperate as
13 fully as possible with the probation officer in compiling that
14 report, as that report will be a very important thing for the
15 district judge in his consideration of what sentence to impose.
16 Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And you and your attorney will also
19 have an opportunity to review that report and file any
20 objections.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: The sentencing in this case will be set
23 at a later date. February 11th of 2020 will be your sentencing
24 date, and that will be before the Honorable District
25 Judge Terry R. Means in Fort Worth.

1 And I believe, Ms. Davis, that sentencing will
2 actually occur in Fort Worth. Is that correct?

3 COURTROOM DEPUTY: (Inaudible.)

4 THE COURT: Anything further, Mr. Lorfing?

5 MR. LORFING: No, Your Honor.

6 THE COURT: Mr. Blizzard, anything further?

7 MR. BLIZZARD: No, Your Honor.

8 THE COURT: The defendant is hereby remanded back
9 into the custody of the United States Marshal pending further
10 proceedings, including sentencing in this case, and this case
11 is in recess until sentencing. Thank you.

12 (END OF HEARING)

13
14 I, Mechelle Daniel, Federal Official Court Reporter in and
15 for the United States District Court for the Northern District
16 of Texas, do hereby certify that the foregoing is a correct
transcript to the best of my ability from a digital sound
recording of the proceedings in the above-entitled matter.

17
18 /s/ Mechelle Daniel **DATE** APRIL 8, 2020

19 MECHELLE DANIEL, CSR #3549
20 FEDERAL OFFICIAL COURT REPORTER
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